

Application No. 09/934178
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Amendment
Attorney Docket No. S63.2N-5605-US05

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Remarks

This Response is in response to the Final Office Action dated June 7, 2006, wherein the specification was objected to; claims 17-20 were objected to; claims 9-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 5,902,317 to Kleshinski et al (Kleshinski).

The following comments are presented in the same order and with paragraph headings corresponding to the Final Office Action.

Specification

In the Final Office Action the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter under 37 CFR 1.75(d)(1).

37 CFR 1.75(d)(1) requires that the meaning of the terms in the claims may be ascertainable by reference to the description. In regard to the instant claims, this requirement is met. All of the elements put forth in the instant claims are fully supported by the original disclosure as filed. For example, the original specification describes a stent having an undulating flexible pattern of struts 18, with alternating end portions 19a and 19b (page 4, lines 1-4). One of ordinary skill in the art will recognize that opposing end portions of an undulating pattern may alternatively described as peaks and troughs (or valleys) respectively. Such terms when considered within the context of the description and figures will be recognized and fully understood by those of skill in the art. As such, Applicants respectfully request withdrawal of the objection.

Claim Objections

In the Final Office Action claims 17-20 were objected to. As indicated above, objected to terms such as peaks and troughs are fully supported by the original disclosure. One of ordinary skill in the art will recognize both their meaning and scope within the confines of the claims, and as supported by the original disclosure.

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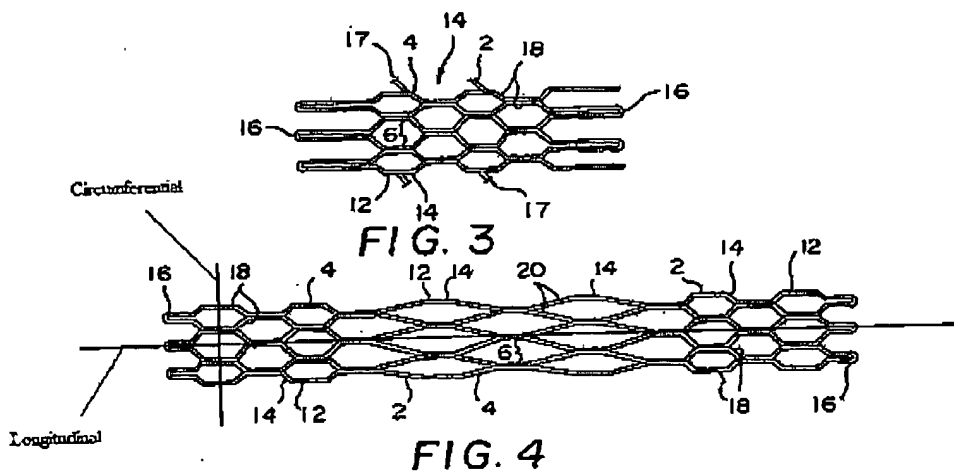
Claim Rejections – 35 USC §102

In the Final Office Action claims 9-20 were rejected under §102(e) as being anticipated by Kleshinski.

Instant claims 9 and 16 both describe a stent wherein a plurality of cells, each of which have first and second ends that are offset in a circumferential direction. This element is simply not present in the Kleshinski reference. In the various stent embodiments shown and described in Kleshinski, each cell has ends which are circumferentially aligned, not offset, as the instant claim recites. The Examiner has asserted that the ends of the cells are "offset in a circumferential direction when that direction is take[en] along the circumference of the cells."

If one considers the circumference of the Kleshinski stent or the circumference of any individual cells of a Kleshinski stent, it remains apparent that the ends of the cells are circumferentially aligned and not offset. Applicants are unclear how the Examiner continues to conclude that the ends of the cells of Kleshinski are circumferentially offset because "the ends of the cells are offset in a circumferential direction when that direction is taken along the circumference of the cells."

Applicants have included below an annotated copy of FIG. 4 of Kleshinski wherein a circumferential axis and longitudinal axis have been added. As is clear from the included figure, the opposing ends of any given cell are clearly in circumferential alignment in direct contrast to the instant claims. It is for at least this reason that the Kleshinski reference fails to anticipate the instant claims. Applicants therefore request withdrawal of the rejection.



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Conclusion

Claims 9-20 are believed to be in condition for allowance. Withdrawal of the objections and rejections is requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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By: _____

James M. Urzedowski
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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